

O'Connell, Sue

From: Patti Jacques <dpjacques1@outlook.com>
Sent: Monday, June 20, 2016 12:49 PM
To: O'Connell, Sue
Cc: Ehli, Ron (Rep); Caferro, Mary; Webb, Roger; Repr. Mary Ann Dunwell (mdunwell@bresnan.net)
Subject: CFHHS Interim Committee
Importance: High

Hello Sue,

The requests:

1. New Law regarding people with mental illnesses should not be charged for a felony if an incident happens when a person is in a psychiatric or behavioral health facility – see handout I gave you.
 2. Regarding 53-21-102(4) "Commitment" – MT Supreme Court asking legislature to define "commitment date" - make it (4)(a) – commitment date is the day the judge dates and signs the order, this way a person is sitting somewhere continuing to decompensate.
 3. No Medicaid co-pay for those with SDMI for any service they use, including case management. These people have no funds as it is, \$4 per case management could add up.
 4. Need insanity law as MT does not have one. Thank you. Patti
- Thanks If I can remember anymore I will get it to you.

240 mg
Paul Jacobs
pjacobs1@bresnan.net
New Legislation requested

When a person is in a psychiatric or behavioral health facility and there is documentation of:

- 1. involuntary or voluntary commitment, or
- 2. unstable behavior is being exhibited, or
- 3. change of medication;

and the person has caused harm to themselves or others, that person who has been committed at the time of being in the facility cannot be charged with a crime by the State, or the facility staff or another person including other patients.

If harm occurs to another due to the committed person, the State or behavioral health facility will compensate staff through its workers compensation or through insurance or self insurance for harm done to another person or patient.

This request is due to the fact that a person can be committed under the definitions 53-21-102 (7)

53-21-102. Definitions. As used in this chapter, the following definitions apply:

(7) "Emergency situation" means:

(a) a situation in which any person is in imminent danger of death or bodily harm from the activity of a person who appears to be suffering from a mental disorder and appears to require commitment; or

(b) a situation in which any person who appears to be suffering from a mental disorder and appears to require commitment is substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety.

(9) (a) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(b) The term does not include:

- (i) addiction to drugs or alcohol;
- (ii) drug or alcohol intoxication;
- (iii) intellectual disability; or
- (iv) epilepsy.

Administrative Rules of Montana - ARM's

37.89.103 MENTAL HEALTH SERVICES PLAN, DEFINITIONS

5) "Emergency" means a serious medical or behavioral condition resulting from mental illness which arises unexpectedly and manifests symptoms of sufficient severity to require immediate care to avoid jeopardy to the life or health of the member or harm to another person by the member.

37.89.501 72-HOUR PRESUMPTIVE ELIGIBILITY FOR ADULT CRISIS
STABILIZATION SERVICES: DEFINITIONS

(4) "Crisis" means a serious unexpected situation resulting from an individual's apparent mental illness in which the symptoms are of sufficient severity, as determined by a mental health practitioner, to require immediate care to avoid:

- (a) jeopardy to the life or health of the individual; or
- (b) death or bodily harm to the individual or to others.